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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/602,306 | 06/24/2003 | Seth Ward II | 4119-00400 | 1007 |

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| MISKA, VIT W | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2841 | |

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/602,306 | WARD | |
| | Examiner | Art Unit | |
| | Vit W. Miska | 2841 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) 1-3 and 7-17,19,25-27 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-3,7-17,19 and 25-27 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by the U.S. published application to Staniszewski (2004/0075581). With respect to claim 1, the reference discloses a parking meter 100 including processor 117 for processing parking related information, clock (see par. 68, line 8), antenna ("wireless connection", par. 64, lines 4-5) for receiving wireless broadcast data including time data based on an atomic clock(see par. 99, line 4), the processor synchronizing the clock based on the received time of day data (par. 99, lines 5-6). With respect to claims 7-8, the reference further teaches "selectively and/or periodically" synchronization of the clock with the received wireless data, see par. 99, line 5.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Staniszewski in view of King. King teaches an antenna assembly comprising a core (10) of magnetically permeable material (a ferrite rod) which is positioned within the turns of an electrically conductive coil (12) (see Fig 1,2,3). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a ferrite antenna, as taught by King, in the device of the primary reference in order to easily mount and electrically connect the same to a printed circuit board.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Staniszewski in view of Thomas et al. Thomas et al teaches a parking meter with an antenna defined by a trace (184) on a printed circuit board (182) (see Fig 6, and col. 4,

lines 32-41). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the printed circuit board of the primary reference to include the antenna defined by a trace on a printed circuit board, as taught by Thomas et al, in order to shape the antenna to fit within the space constraints of a particular type of enclosure (see Thomas, col.1 , lines 56-59).

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Staniszewski in view of Landis et al. Landis et al teaches a receiver including a closed caption signal decoder responsive to a data component of a television signal, such as extended data service (EDS) data, that is representative of current time of day for setting current time (see col. 3, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a data component of a television signal that is representative of the current time of day, as taught by Landis et al, as the basis for received time of day signal in the device of the primary reference. Such use of a television signal would have been obvious in view of the suggested "wireless, radio signal, telephone signal, computer signal, etc." (par. 99, lines 2-3), in Staniszewski, as one of several possible sources of time signals useful for synchronizing clock systems.

5. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staniszewski in view of Diehl et al. Diehl et al teaches a radio-controlled timepiece

which receives wireless broadcast information over an internet connection (see col. 3, lines 50-64). It would have been obvious to one of ordinary skill in the art at the time of the invention to further to include a wireless internet connection for transmitting broadcast data in Staniszewski as the source of time of day signals, as taught by Diehl et al. Such modification would be implied by the suggestion of a wireless connection to a "computer signal", par. 99, line 3, as the source of time signals.

6. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staniszewski. The reference includes the elements claimed as noted above. Further, the limitation "unilaterally initiating on an intermittent basis...synchronization of one of the clocks..." is not specifically suggested in the reference. However, one of ordinary skill in the art having the suggestion of "the base unit 501 and/or electronic timer device 100...connectable ...to automatically, e.g. selectively and/or periodically, set the date and/or time " (par. 99, lines 1-6), would be taught initiating synchronization of time either at the parking meter side, i.e. with the processor, or at the broadcast side, i.e. with the broadcast signal. Thus, unilaterally initiating synchronization by the processor would be one of the two choices presented in the primary reference and an obvious consideration in order to conserve power by correcting the clock at selected times.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Staniszewski, as applied to claim 12 above, in view of Landis et al for the reasons given with respect to the rejection of claim 9, above.

8. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staniszewski, as applied to claim 12, above in view of Diehl for the reasons given in the rejection of claims 10-11, above.

9. Claims 17, 19 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs in view of Staniszewski. Jacobs has been correlated with the claim language in the previous Office action. Jacobs does not specifically teach synchronizing the clock with a wireless time signal based on an atomic clock. Staniszewski teaches this feature, as noted above. One of ordinary skill in the art having both references would be taught the desirability of wireless time synchronization of the parking meter clock in Jacobs, as suggested by Staniszewski, as a useful feature for ensuring correct time indication.

10. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs and Staniszewski, as applied to claim 17, above, in further view of Silberberg.

Silberberg teaches a parking meter system that includes a parking meter (10) with a processor (12) connected to a slot (28) that can receive a smart card (see Fig. 1 and page 3, paragraph 49) or a credit card (see page 4, paragraph 59). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the receiving slot of Jacobs with a slot that can receive a smart card or a credit card, as taught by Silberberg, to reduce the need for personnel to collect payment from meters and decrease the infrastructure costs of providing the parking system (see Silberberg, page 1, paragraph 9).

***Response to Arguments***

11. Applicant's arguments have been given consideration but have not been found persuasive. Applicant notes that Staniszewski is not applicable to the claims because the device is not disclosed as a "parking meter" as recited in the claims.

12. During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).

See also MPEP 2111.01: "While the claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. In re American

Academy of Science Tech Center,367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004). ...This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ; Chef America, Inc. v. Lamb-Weston, Inc., 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004)."

13. Applicant has not specifically defined the term "parking meter" in the specification or suggested features to provide limited scope. Therefore, the broadest reasonable interpretation of this term is applied to the claims. The class of devices generally referred to as "parking meters" comprises any devices used to facilitate associating a vehicle to a parking space. While a coin accepting feature has been generally associated with conventional parking meters, recent electronic parking meters innovations have expanded this category to include other types of devices that do not require coins to be deposited. See for example U.S. Patent 4,847,776 ("Microprocessor Parking Meter Internally Held in a Car) disclosing only circuitry and a digital display of parking related information, and U.S. Patent 4,730,285 (Individual Parking Meter) disclosing an electronic timing device with timing initiation and stopping switches. In addition, "parking meter" denotes by conjunction of the two terms a meter for parking, thus including a time measuring device used for parking in the broad application of the phrase.

14. Staniszewski suggests at par. 26 such a device:

" According to an example embodiment of the present invention, an electronic timer system includes a first unit, the first unit having a memory device configured to store predetermined parking rule data, a timer device configured to determine at least one of a day, a date and a time of day and an alert device configured to emit an alert in accordance with the predetermined parking rule data and based on at least one of the day, the date and the time of day determined by the timer device. "

The timer of Staniszewski is intended for use with parking rule data stored in the device, and therefore, constitutes a "parking meter" as set forth in applicant's claims.

15. With respect to claims 17-19 and 25-27, the modification of Jacobs in view of Staniszewski is disputed by applicant on the basis that no teaching exists for combining the devices of the two references. However, the rejection is base on the obvious application of the teaching of Staniszewski to wirelessly synchronize a clock with an atomic based time signal to the clock in Jacobs. One of ordinary skill in the art having the two references would be taught that the wireless synchronization shown by Staniszewski is useful in providing a stable source of time signals and therefore could be used in a time keeping device, such as that of Jacobs. A literal combination of the two devices is not alleged in the rejection, as suggested by applicant.

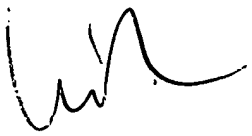
**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, K. Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vit Miska
Primary Examiner

VM
01/0/2006